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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,898	09/27/2005	Jean-Luc Stehle	NY-GRYN 226-US	1698
24972	7590	06/24/2009		
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			EXAMINER DADA, BEEMNET W	
			ART UNIT 2435	PAPER NUMBER
			MAIL DATE 06/24/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/550,898

**Applicant(s)**

STEHLÉ, JEAN-LUC

**Examiner**

BEEMNET W. DADA

**Art Unit**

2435

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

In a preliminary amendment filed on 09/27/05, claims 1-22 have been canceled and new claims 23-46 have been added. Claims 23-46 have been examined.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on September 27, 2005 has been considered. The submission is in compliance with the provisions of 37 CFR 1.97. Form PTO-1449 is signed and attached hereto.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 23 and 34, the phrase "to be potentially modified" renders the claim indefinite because, the term "to be potentially modified" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Claims 24-33 and 35-46 depend from claims 23 and 34 and are rejected under the same rationale.

#### ***Allowable Subject Matter***

Claims 23-46 would be allowable if rewritten to overcome the 35 U.S.C. 112 2<sup>nd</sup> rejection indicated above.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 23, the prior art on record does not teach, disclose, or fairly suggests, the combination of the claim limitations, "defining a mask alphabet comprising all or some of the elements in said random value space, the values in said random value space being numbers such that said mask alphabet comprises numbers; performing a numbering of said message alphabet by assigning to each symbol of said message alphabet, with no omission or repetition, a number between 0 and N-1 to provide a number for each of said symbols, N representing the number of elements in said message alphabet, such that each symbol of said message alphabet is uniquely associated with a number between 0 and N-1; assigning a permutation of said message alphabet to each element of said mask alphabet; acquiring a primary encryption key comprising a string of numbers; constructing said initialization key from all or part of said primary encryption key; initializing said pseudo-random generator using said initialization key; selecting a symbol from said information to be encrypted; encrypting said selected symbol if it is determined that said selected symbol belongs to said message alphabet and performing the following steps: reading the next value in said random sequence provided by said pseudo-random generator; repeating the 'step of reading the next value until the next value read is an element of said mask alphabet to provide a mask element; selecting permutation of said message alphabet assigned to said mask element; applying said selected permutation of said message alphabet to said selected symbol to provide a result; and replacing said selected symbol with said result of said selected permutation." Claims 24-33 depend from claim 23 and are allowable with the same reason thereto.

With respect to claim 34, the prior art on record does not teach, disclose or fairly suggest the combination of the claim limitations, "a pseudo-random generator for generating a random sequence of values or numbers to provide a random value space, a subset of said random value space forming a mask alphabet, said pseudo-random generator being initialized prior to utilization with an initialization key comprising a string of numbers, said initialization key determining said random sequence that will be provided by said pseudo-random generator; an input-output unit for handling communications among the system, said client computer and said network; and a processor for: acquiring a primary encryption key comprising a string of numbers and constructing said initialization key from all or part of said primary encryption key; determining whether a value belonging to said random value space belongs to said mask alphabet; reading successive values provided by said pseudo-random generator until an element belonging to said mask alphabet is obtained; determining which of said symbols of said information must be encrypted or decrypted, and which of said symbols of said information must be transmitted without being modified; associating a number with a symbol of said message alphabet; selecting a mask element from a given element of said the mask alphabet and a permutation of said message alphabet which is assigned to said mask element" Claims 35-46 depend from claim 34 and are allowable with the same reason thereto.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/  
Primary Examiner, Art Unit 2435  
June 20, 2009